

Permitting decisions

Bespoke permit

We have decided to grant the permit for Higher Ash Farm Poultry Unit operated by Mr Adam Brown and Mrs Rachel Brown.

The permit number is EPR/WP3033JY.

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements and that the permit will ensure that the appropriate level of environmental protection is provided.

Purpose of this document

This decision document provides a record of the decision making process. It summarises the decision making process in the decision checklist to show how all relevant factors have been taken in to account.

This decision document provides a record of the decision making process. It:

- highlights [key issues](#) in the determination
- summarises the decision making process in the [decision checklist](#) to show how all relevant factors have been taken into account
- shows how we have considered the [consultation responses](#).

Unless the decision document specifies otherwise we have accepted the applicant's proposals.

Read the permitting decisions in conjunction with the environmental permit. The introductory note summarises what the permit covers.

Key issues of the decision

New Intensive Rearing of Poultry or Pigs BAT Conclusions document

The new Best Available Techniques (BAT) Reference Document (BREF) for the Intensive Rearing of poultry or pigs (IRPP) was published on the 21st February 2017. There is now a separate BAT Conclusions document which will set out the standards that permitted farms will have to meet.

The BAT Conclusions document is as per the following link

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32017D0302&from=EN>

Now the BAT Conclusions are published all new installation farming permits issued after the 21st February 2017 must be compliant in full from the first day of operation.

There are some new requirements for permit holders. The conclusions include BAT Associated Emission Levels for ammonia emissions which will apply to the majority of permits, as well as BAT associated levels for nitrogen and phosphorous excretion.

For some types of rearing practices stricter standards will apply to farms and housing permitted after the new BAT Conclusions are published.

New BAT conclusions review

There are 33 BAT conclusion measures in total within the BAT conclusion document dated 21st February 2017.

We have sent out a not duly made request, requiring the Applicant to confirm that the new installation complies in full with all the BAT conclusion measures.

The Applicant has confirmed their compliance with all BAT conditions for the new installations in their email received 27/10/2017.

The following is a more specific review of the measures the Applicant has applied to ensure compliance with the above key BAT measures

| BAT measure | Applicant compliance measure |
|--|--|
| BAT 3 - Nutritional management Nitrogen excretion | <p>The Applicant has confirmed it will demonstrate it achieves levels of Nitrogen excretion below the required BAT-AEL of 0.6 kg N excreted/animal place/year by an estimation using manure analysis or calculation and reported annually along with calculated dust emissions</p> <p>This confirmation was in response to the 'Not duly making email' received 27/10/2017 (application not duly made until 31/10/2017) which has been referenced in Table S1.2 Operating techniques of the permit.</p> <p>Table S3.3 of the permit concerning process monitoring requires the operator to undertake relevant monitoring that complies with these BAT Conclusions.</p> |
| BAT 4 Nutritional management Phosphorous excretion | <p>The applicant has confirmed it will demonstrate it achieves levels of Phosphorous excretion below the required BAT AEL of 0.25 kg P₂O₅ excreted/animal place/year by an estimation using manure analysis or calculation and reported annually along with calculated dust emissions.</p> <p>This confirmation was in response to the 'Not duly making email' received 27/10/2017 (application not duly made until 31/10/2017) which has been referenced in Table S1.2 Operating techniques of the permit.</p> |

| BAT measure | Applicant compliance measure |
|---|---|
| | Table S3.3 of the Permit concerning process monitoring required the Operator to undertake relevant monitoring that complies with these BAT Conclusions. |
| BAT 24 Monitoring of emissions and process parameters - Total nitrogen and phosphorous excretion | Table S3.3 Process monitoring requires the operator to undertake relevant monitoring that complies with these BAT conclusions |
| BAT 25 Monitoring of emissions and process parameters - Ammonia emissions | Table S3.3 of the Permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions. |
| BAT 26 Monitoring of emissions and process parameters Odour emissions | The approved OMP includes the following details for on Farm Monitoring and Continual Improvement: <ul style="list-style-type: none"> • The staff will perform a daily boundary walk to check the surrounding area for high levels of odour, as well as this checks will be performed on the surrounding area by persons who do not regularly work on the farm. • Visual (and nasal) inspections of potentially odorous activities will be carried out. |
| BAT 27 Monitoring of emissions and process parameters -Dust emissions | Table S3.3 Process monitoring requires the operator to undertake relevant monitoring that complies with these BAT conclusions The Applicant has confirmed they will report the dust emissions to the Environment Agency annually by estimation using emission factors This confirmation was received in an email dated 12/12/17, which has been referenced in Table S1.2 Operating techniques of the Permit. |
| BAT 32 Ammonia emissions from poultry houses - Broilers | The BAT-AEL to be complied with is 0.01 – 0.08 kg NH ₃ /animal place/year. The Applicant will meet this as the emission factor for broilers is 0.034 kg NH ₃ /animal place/year. The Installation does not include an air abatement treatment facility, hence the standard emission factor complies with the BAT AEL. |

More detailed assessment of specific BAT measures

Ammonia emission controls

A BAT Associated Emission Level (AEL) provides us with a performance benchmark to determine whether an activity is BAT.

Ammonia emission controls – BAT conclusion 32

The new BAT conclusions include a set of BAT-AEL's for ammonia emissions to air from animal housing for broilers.

'New plant' is defined as plant first permitted at the site of the farm following the publication of the BAT conclusions.

All new bespoke applications issued after the 21st February 2017, including those where there is a mixture of old and new housing, will now need to meet the BAT-AEL.

Industrial Emissions Directive (IED)

The Environmental Permitting (England and Wales) (Amendment) Regulations 2013 were made on the 20 February 2013 and came into force on 27 February 2013. These Regulations transpose the requirements of the IED.

This permit implements the requirements of the European Union Directive on Industrial Emissions.

Groundwater and soil monitoring

As a result of the requirements of the Industrial Emissions Directive, all permits are now required to contain a condition relating to protection of soil, groundwater and groundwater monitoring. However, the Environment Agency's H5 Guidance states **that it is only necessary for the operator to take samples** of soil or groundwater and measure levels of contamination where there is evidence that there is, or could be existing contamination and:

- The environmental risk assessment has identified that the same contaminants are a particular hazard; or
- The environmental risk assessment has identified that the same contaminants are a hazard and the risk assessment has identified a possible pathway to land or groundwater.

H5 Guidance further states that it is **not essential for the Operator** to take samples of soil or groundwater and measure levels of contamination where:

- The environmental risk assessment identifies no hazards to land or groundwater; or
- Where the environmental risk assessment identifies only limited hazards to land and groundwater and there is no reason to believe that there could be historic contamination by those substances that present the hazard; or
- Where the environmental risk assessment identifies hazards to land and groundwater but there is evidence that there is no historic contamination by those substances that pose the hazard.

The site condition report (SCR) for Higher Ash Farm Poultry Unit (dated 31/10/17) demonstrates that there are no hazards or likely pathway to land or groundwater and no historic contamination on site that may present a hazard from the same contaminants. **Therefore, on the basis of the risk assessment presented in the SCR, we accept that they have not provided base line reference data for the soil and groundwater at the site at this stage and although condition 3.1.3 is included in the permit no groundwater monitoring will be required.**

Odour

Intensive farming is by its nature a potentially odorous activity. This is recognised in our 'How to Comply with your Environmental Permit for Intensive Farming' EPR 6.09 guidance (http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/297084/geho0110brsb-e-e.pdf).

Condition 3.3 of the environmental permit reads as follows:

"Emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable to minimise the odour."

Under section 3.3 of the guidance an Odour Management Plan (OMP) is required to be approved as part of the permitting process, if as is the case here, sensitive receptors (sensitive receptors in this instance excludes properties associated with the farm) are within 400m of the Installation boundary. It is appropriate to require an OMP when such sensitive receptors have been identified within 400m of the installation to prevent, or where that is not practicable, to minimise the risk of pollution from odour emissions.

The Odour Management Plan for the Installation provided with the Application lists key potential risks of odour pollution beyond the Installation boundary. These activities are as follows:

- Manufacture and selection of feed: milling and mixing of feed, poor quality and odorous ingredients, feeds unbalanced in nutrients (leading to increased excretion and litter moisture and emissions of ammonia and other odours to air).
- Feed deliver and storage: spillage of feed, creation of dust during delivery.
- Ventilation and heating systems: inadequate air movement in houses, leading to high humidity and wet litter, inadequate system design causing poor dispersal of odours.
- Litter management: odours arising from wet litter, insufficient/ poor quality litter, spillage of water from drinking systems, disease outbreak.
- Carcass disposal: inadequate storage of carcasses on site.
- House clean out: creation of dust associated with litter removal from houses, use of odorous products to clean houses.
- Used litter: storage of litter on site, transport of litter and applications to land.
- Dirty water management: standing dirty water during the production cycle or at clean out, applications of dirty water to land.

Odour Management Plan Review

The sensitive receptors that have been considered under odour and noise do not include the operator's property and other people associated with the farm operations as odour and noise are amenity issues.

There are several sensitive receptors within 400m of the site boundary. The operator has identified the closest receptors within each area of housing.

The closest property to the site boundary is Hollybank Farm which is located ~275m SE of the installation boundary and ~215m from the nearest poultry house. Beacon Thatch, Beacon Ash and Beacon Cottage are the second closest receptors which are located approximately 295m SE of the installation boundary and ~304m from the nearest poultry house.

The operator is required to manage activities at the installation in accordance with condition 3.3.1 of the permit and its OMP (version received 27/10/17) reference 'Appendix 9: Odour Management Plan'.

The OMP includes odour control measures, in particular, procedural controls such as manufacture and selection of compound foods, feed delivery and storage, ventilation and heating systems, litter management, carcass disposal and storage, management of drinking water systems, destocking of livestock (thinning and final depletion) house clean out (litter removal), used litter and dirty water management.

The operator has identified the potential sources of odour (see risks bullet pointed above), as well as the potential risks and problems, and detailed actions taken to minimise odour.

The OMP also provides a suitable procedure in the event of complaints in relation to odour. The OMP is required to be reviewed at least every 4 years, however the operator has confirmed that it will be reviewed if a complaint is received, whichever is sooner.

The general wind direction is predominantly from the south west. This means that the receptors that could potentially be impacted the most would be to the north east of the installation. There are no receptors within 400m NE of the installation boundary.

The Environment Agency has reviewed the OMP and consider it complies with the requirements of our H4 Odour management guidance note. We agree with the scope and suitability of key measures but this should not be taken as confirmation that the details of equipment specification design, operation and maintenance are suitable and sufficient. That remains the responsibility of the Operator.

We have included our standard odour condition 3.3.1 in the permit, which required that the emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has appropriate measures, including, but not

limited to, those specified in any approved OMP (which is captured through condition 2.3 and Table S1.2 of the permit), to prevent or where that is not practicable, to minimise odour.

The operator must operate the installation in line with the operating techniques set out in the application supporting documents and the OMP. Once the operation of the installation commences, there is a requirement to review and record (as soon as practicable after a complaint) whether changes to the OMP should be made and make any appropriate changes to the OMP identified in the review.

Whilst there is potential for odour pollution from the installation, the overall risk can be minimised by complying with the permit conditions, careful management and compliance with the OMP and reviewing the OMP when required. We are satisfied that operations carried out on the Installation will minimise the risk of odour pollution.

Noise

Intensive farming by its nature involves activities that have the potential to cause noise pollution. This is recognised in our 'How to Comply with your Environmental Permit for Intensive Farming' EPR 6.09 guidance. Under section 3.4 of this guidance a Noise Management Plan (NMP) must be approved as part of the permitting determination, if there are sensitive receptors within 400m of the Installation boundary.

Condition 3.4 of the Permit reads as follows:

"Emissions from the activities shall be free from noise and vibration at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved noise and vibration management plan, to prevent or where that is not practicable to minimise the noise and vibration".

There are sensitive receptors within 400 metres of the Installation boundary as stated in the section above. The Operator has provided a noise management plan (NMP) as part of the Application supporting documentation, and further details are provided in section 'Noise Management Plan Review' below.

The risk assessment for the Installation provided with the Application lists key potential risks of noise pollution beyond the Installation boundary. These activities are as follows:

- Large vehicles travelling to and from the farm
- Vehicles on site for delivering feed, catching birds, removal of used litter from houses, removal of dirty water from underground tanks.
- Feed transfer from lorry to bins
- Alarm system and standby generator
- Chickens
- Personal mobile sources (e.g. radios)
- Repairs

We have assessed the NMP and the H1 risk assessment for noise and conclude that the Applicant has followed the guidance set out in EPR 6.09 Appendix 5 'Noise management at intensive livestock installations'. We are satisfied that all sources and receptors have been identified, and that the proposed mitigation measures will minimise the risk of noise pollution / nuisance.

Noise Management Plan Review

Sensitive receptors have been listed under 'Odour' section.

The sensitive receptors that have been considered under odour and noise do not include the operator's property and other people associated with the farm operations as odour and noise are amenity issues.

A noise management plan (NMP) has been provided by the operator) as part of the application supporting documentation (reference 'Appendix 10: Noise Management Plan' (Revised and received 31/10/17)).

The NMP will be reviewed or following any complaint, and changes to the NMP, or other management plans to be documented, dated, signed and Area Officer notified, as confirmed by the operator in their email dated 02/11/2017.

Operations with the most potential to cause noise nuisance have been assessed and control measures put in place for all vehicles accessing the site and manoeuvring around it (specifically large vehicles), vehicles and machinery carrying out operations on site, feed delivery and transfer from lorry to storage, operation of ventilation systems, alarm and standby generator testing, noise from chickens, personnel and repair works.. In addition, the NMP includes confirmation that the plan will be reviewed every 4 years from the permit issue date, or after any complaint, and also noise complaints procedures.

We have included our standard noise and vibration condition 3.4.1 in the Permit, which requires that emissions from the activities shall be free from noise and vibration at levels likely to cause pollution outside the Installation, as perceived by an authorised officer of the Environment Agency, unless the Operator has used appropriate measures, including, but not limited to, those specified in any approved noise and vibration management plan (which is captured through condition 2.3 and Table S1.2 of the Permit), to prevent or where that is not practicable to minimise the noise and vibration.

We are satisfied that the manner in which operations are carried out on the Installation will minimise the risk of noise pollution.

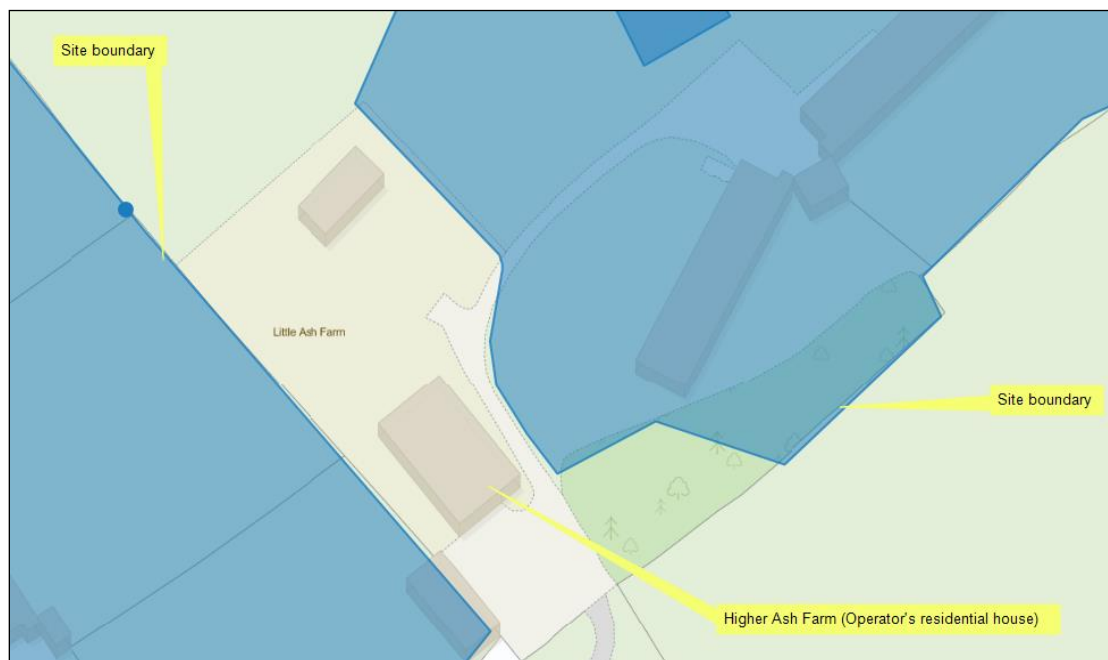
Conclusion

We have assessed the NMP and the H1 risk assessment for noise and conclude that the Applicant has followed the guidance set out in EPR 6.09 Appendix 5 'Noise management at intensive livestock installations'. We are satisfied that all sources and receptors have been identified, and that the proposed mitigation measures will minimise the risk of noise pollution / nuisance.

Dust and Bioaerosols

The use of Best Available Techniques and good practice will ensure minimisation of emissions. There are measures included within the Permit (the 'Fugitive Emissions' conditions) to provide a level of protection. Condition 3.2.1 'Emissions of substances not controlled by an emission limit' is included in the Permit. This is used in conjunction with condition 3.2.2 which states that in the event of fugitive emissions causing pollution following commissioning of the Installation, the Operator is required to undertake a review of site activities, provide an emissions management plan and to undertake any mitigation recommended as part of that report, once agreed in writing with the Environment Agency.

There is 1 sensitive receptor within 100m of the Installation boundary, the nearest sensitive receptor (the nearest point of their assumed property boundary) is adjacent to both the north east and the south of the installation boundaries, as illustrated below:



Guidance on our website concludes that applicants need to produce and submit a dust and bioaerosol risk assessment with their applications only if there are relevant receptors within 100 metres of their farm, e.g. the farmhouse or farm worker's houses. Details can be found via the link below:

www.gov.uk/guidance/intensive-farming-risk-assessment-for-your-environmental-permit#air-emissions-dust-and-bioaerosols.

As there are receptors within 100m of the Installation, the Applicant was required to submit a dust and bioaerosol risk assessment in this format.

In the guidance mentioned above it states that particulate concentrations fall off rapidly with distance from the emitting source. This fact, together with the proposed good management of the Installation such as keeping areas clean from build-up of dust, and other measures in place to reduce dust and risk of spillages (e.g. litter and feed management/delivery procedures) all reduce the potential for emissions impacting the nearest receptors. The Applicant has confirmed the following measures in their operating techniques to reduce dust:

- **Dust from feed silos:** Silo exhaust is blown into water buckets catching any excess feed and dust. Contaminated water (with feed) is cleaned into underground dirty water tanks.
- **Dust extraction in feed mill area:** No on site milling and mixing.
- **Dust from feed spill and created during feed delivery:** Crash barriers to protect feed silos from damage. Any spillage of feed around bins is immediately swept up. Feed delivered are monitored to avoid dust and spills.
- **Dust from the storage of feed:** use of feed silos to contain any dust created. Minimal feed is stored in silos and feed is not kept for longer than the manufacturer's recommendation to avoid build-up of dust.
- **Dust from feed delivery system into poultry housing:** feed delivery systems are sealed to minimise atmospheric dust. The condition feed delivery system is checked frequently so that any damage or leaks can be identified.
- **Dust created by suitable feed form, fat content and poor quality feed ingredient:** feed specifications are prepared by the feed compounder's nutrition specialist. Feed is supplied only from UKASTA accredited feed mills, so that only raw materials are used. Protein is reduced in accordance with SGN EPR 6.09 to comply with your environmental permit for intensive farming'. Suitable balanced feeds are used to avoid problems such as increased excretion and litter moisture and emissions of ammonia and other odorous compounds to air.
- **Dust created by feeding method and over administration to birds:** correct feeding regime for age of birds will be used to avoid spilled food on floor creating dust particles. Controls on feed and ventilation help to maintain litter quality and reduced dust.

- **Dust from different types and quality of bedding material:** operator will use good quality straw that has been kept dry and is vermin free, which keeps it low in dust. Chopped straw will be blown directly into broiler sheds to reduce dust into the external atmosphere.
- **Amount of bedding increasing dust:** operator will use at least 50mm if bedding in accordance with the growing standards for broiler production.
- **Bedding management during production to minimise dust:** operator will maintain a suitable humidity level (40-60%) to balance reduced dust production and keeping low enough to maintain dry, odour-free litter whilst reducing pododermatitis and hock marks.
- **Gable end fans transporting dust to neighbours:** gable end fans for catching in Houses 5 & 7 are positioned to direct air away from neighbours. Gable end fans are only used for catching which occurs predominantly at night.
- **Poor ventilation causing a build-up of dust within the shed instead of periodically releasing airborne dust:** the ventilation and heating system is regularly adjusted to match the age and requirements of the flock. Increasing airflow with the age of the birds helps prevent airborne dust build up.
- **Good management to contain dust associated with litter removal from houses:** clean out takes place as soon as possible after destocking. Litter is carefully placed into trailers positioned at the entrance to each house. When full, the trailer is covered. Sheds are internally blown out during litter removal so that dust is contained within the litter prior to high pressure washing.
- **Dust from the storage of used litter on site:** there is no storage of used litter on site at any time. There is no double handling. Litter is used by neighbouring arable farmers for spreading onto land.
- **Stocking density and depopulation:** stocking density is kept at optimal levels to prevent overcrowding. Free range broiler production has a maximum stocking rate of 27.5kg/m² resulting in less feed, litter and fewer birds resulting in less activity prone to dust airborne. Free range does not thin the flock resulting in less dust created from forklift movement during depopulation resulting in reduced dust from litter.
- **Dust and feathers from dead birds:** dead birds are immediately collected in bags and frozen prior to collection by a DEFRA approved contractor for incineration to contain dust.
- **Requirement to measure dust:** dust levels are monitored on a daily basis on the crop record spreadsheet. This is done using the sensory evaluation method.

Conclusion

We are satisfied that the measures outlined in the Application will minimise the potential for dust and bioaerosol emissions from the Installation.

Biomass boilers

The applicant is varying their permit to include 6 biomass boilers with a net rated thermal input of 0.6 MW.

The Environment Agency has assessed the pollution risks and has concluded that air emissions from small biomass boilers are not likely to pose a significant risk to the environment or human health providing certain conditions are met. Therefore a quantitative assessment of air emissions will not be required for poultry sites where:

- the fuel will be derived from virgin timber, miscanthus or straw, and;
- the biomass boiler appliance and installation meets the technical criteria to be eligible for the Renewable Heat Incentive, and;
- the aggregate boiler net rated thermal input is less than or equal to 4 MWth, and no individual boiler has a net thermal input greater than 1 MWth, and;
- the stack height must be a minimum of 5 metres above the ground (where there are buildings within 25 metres the stack height must be greater than 1 metre above the roof level of buildings within 25 metres (including building housing boiler(s) if relevant) and;
- there are no sensitive receptors within 50 metres of the emission point(s).

This is in line with the Environment Agency’s document “Air Quality and Modelling Unit C1127a Biomass firing boilers for intensive poultry rearing”, an assessment has been undertaken to consider the proposed addition of the biomass boilers.

Our risk assessment has shown that the biomass boilers should meet the requirements of the criteria above, and are, therefore, considered not likely to pose a significant risk to the environment or human health and no further assessment is required.

Ammonia

The applicant has demonstrated that the housing will meet the relevant NH₃ BAT-AEL.

There is 1 Special Area of Conservation (SAC) and 1 Special Protection Area (SPA) located within 10 kilometres of the installation. There are also 3 Local Wildlife Sites (LWS), and 3 Ancient Woodlands (AW) within 2 km of the installation.

Ammonia assessment – SAC/SPA/Ramsar

The following trigger thresholds have been designated for the assessment of European sites:

- If the process contribution (PC) is below 4% of the relevant critical level (CL_e) or critical load (CL_o) then the farm can be permitted with no further assessment.
- Where this threshold is exceeded an assessment alone and in combination is required.
- An in combination assessment will be completed to establish the combined PC for all existing farms identified within 10 km of the SAC/SPA/Ramsar.

Initial screening using ammonia screening tool version 4.5 has indicated that emissions from Higher Ash Farm Poultry Unit will only have a potential impact on the SAC and SPA sites with a precautionary critical level of 1µg/m³ if they are within 3001 metres of the emission source.

Beyond 3001m the PC is less than 0.04µg/m³ (i.e. less than 4% of the precautionary 1µg/m³ critical level) and therefore beyond this distance the PC is insignificant. In this case the SAC and SPA are beyond this distance (see table below) and therefore screen out of any further assessment.

Where the precautionary level of 1µg/m³ is used, and the process contribution is assessed to be less than 4% the site automatically screens out as insignificant and no further assessment of critical load is necessary. In this case the 1µg/m³ level used has not been confirmed by Natural England, but it is precautionary. It is therefore possible to conclude no likely significant effect.

Table 1 – SAC and SPA Assessment

| Name of SAC/SPA/Ramsar | Distance from site (m) |
|-------------------------------|-------------------------------|
| East Devon Pebblebed Heaths | 7112 |
| East Devon Heaths | 7112 |

Ammonia assessment – LWS and AW

The following trigger thresholds have been applied for the assessment of these sites:

- If the process contribution (PC) is below 100% of the relevant critical level (CL_e) or critical load (CL_o) then the farm can be permitted with no further assessment.

Initial screening using ammonia screening tool version 4.5 has indicated that emissions from Higher Ash Farm Poultry Unit will only have a potential impact on the LWS and AW sites with a precautionary critical level of 1µg/m³ if they are within 523 metres of the emission source.

Beyond 523m the PC is less than 1µg/m³ and therefore beyond this distance the PC is insignificant. In this case all LWS and AW sites are beyond this distance (see table below) and therefore screen out of any further assessment.

Table 2 – LWS and AW Assessment

| Name of LWS/AW | Distance from site (m) |
|--------------------------|-------------------------------|
| Big Wood, Fairmile (LWS) | 2008 |
| Escot Park (LWS) | 1677 |
| Rowden End Covert (LWS) | 1818 |
| Unknown (AW) | 2090 |
| Rowden End Covert (AW) | 1818 |
| Unknown (AW) | 2008 |

Decision checklist

| Aspect considered | Decision |
|--------------------------------------|---|
| Receipt of application | |
| Confidential information | A claim for commercial or industrial confidentiality has not been made. |
| Identifying confidential information | We have not identified information provided as part of the application that we consider to be confidential. The decision was taken in accordance with our guidance on confidentiality. |
| Consultation | |
| Consultation | The consultation requirements were identified in accordance with the Environmental Permitting Regulations and our public participation statement. The application was publicised on the GOV.UK website. We consulted the following organisations: <ul style="list-style-type: none"> • Public Health England • Environmental Health East Devon • Health and Safety Executive • Local Authority – Devon County Council The comments and our responses are summarised in the consultation section . |
| Operator | |
| Control of the facility | We are satisfied that the applicant (now the operator) is the person who will have control over the operation of the facility after the grant of the permit. The decision was taken in accordance with our guidance on legal operator for environmental permits. |
| The facility | |
| The regulated facility | We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility', and Appendix 2 of RGN 2 'Defining the scope of the installation'. The extent of the facility is defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit. |
| The site | |
| Extent of the site of the facility | The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility. The plan is included in the permit. |
| Site condition report | The operator has provided a description of the condition of the site, which we consider is satisfactory. The decision was taken in accordance with our guidance on site condition reports. |

| Aspect considered | Decision |
|---|--|
| Biodiversity, heritage, landscape and nature conservation | <p>The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat.</p> <p>Ammonia:</p> <p>We have assessed the application and its potential to affect all known sites of nature conservation, landscape and heritage and/or protected species or habitats identified in the nature conservation screening report as part of the permitting process.</p> <p>We consider that the application will not affect any sites of nature conservation, landscape and heritage, and/or protected species or habitats identified.</p> <p>See Key Issues section 'Ammonia' above for further information.</p> <p>We have not consulted Natural England (NE) on the application. An Appendix 11 was sent to NE for information only (dated 02/11/2017).</p> <p>All documents have been saved on EDRM.</p> <p>Biomass boilers:</p> <p>In accordance with the Environment Agency's Air Quality Technical Advisory Guidance 14: "for combustion plants under 5MW, no habitats assessment is required due to the size of combustion plant". Therefore this proposal is considered acceptable and no further assessment is required.</p> |
| Environmental risk assessment | |
| Environmental risk | <p>We have reviewed the operator's assessment of the environmental risk from the facility.</p> <p>The operator's risk assessment is satisfactory.</p> <p>The assessment shows that, applying the conservative criteria in our guidance on environmental risk assessment, all emissions may be categorised as environmentally insignificant.</p> |
| Operating techniques | |
| General operating techniques | <p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes and we consider them to represent appropriate techniques for the facility.</p> <p>The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.</p> <p>The operating techniques are as follows:</p> <ul style="list-style-type: none"> • Poultry houses 1-7 are ventilated by side outlets and houses 5 and 7 also have gable end fan outlets used infrequently for temperature control in hot weather • Litter and dirty wash water is exported off site and is spread on land owned by third parties • Poultry house roof and yard surface water drains to soakaways • Sealed and collision-protected feed storage bins |

| Aspect considered | Decision |
|----------------------------|---|
| | <ul style="list-style-type: none"> • Carcasses are collected daily and frozen in a secure container on site prior to removal off site by a licenced renderer • the fuel is derived from virgin timber, • the biomass boiler appliance and it's installation meets the technical criteria to be eligible for the Renewable Heat Incentive; and • the stacks are 1m or more higher than the apex of the adjacent buildings. <p>The proposed techniques for priorities for control are in line with the benchmark levels contained in the Sector Guidance Note EPR6.09 and we consider them to represent appropriate techniques for the facility. The permit conditions ensure compliance with relevant BREFs.</p> |
| Odour management | <p>We have reviewed the odour management plan in accordance with our guidance on odour management.</p> <p>We consider that the odour management plan is satisfactory.</p> |
| Noise management | <p>We have reviewed the noise management plan in accordance with our guidance on noise assessment and control.</p> <p>We consider that the noise management plan is satisfactory.</p> |
| Permit conditions | |
| Raw materials | <p>We have specified limits and controls on the use of raw materials and fuels.</p> <p>We have specified that only virgin timber (including wood chips and pellets), straw, miscanthus or a combination of these, are acceptable. These materials are never to be mixed with or replaced by waste.</p> <p>We have specified that only biomass chips or pellets comprising virgin timber, straw, miscanthus, grade A waste wood; or a combination of these, are acceptable.</p> |
| Emission limits | <p>We have decided that emission limits are required in the permit. BAT AEL's have been added in line with the Intensive Farming sector BAT conclusions document dated 21/02/17. These limits are included in permit table S3.4.</p> |
| Monitoring | <p>We have decided that monitoring should be carried out for the parameters listed in the permit, using the methods detailed and to the frequencies specified.</p> <p>These monitoring requirements have been imposed in order to ensure compliance with Intensive Farming BAT conclusions document dated 21/02/17.</p> |
| Reporting | <p>We have specified reporting in the permit.</p> <p>We made these decisions in order to ensure compliance with Intensive Farming BAT conclusions document dated 21/02/17</p> |
| Operator competence | |
| Management system | <p>There is no known reason to consider that the operator will not have the management system to enable it to comply with the permit conditions.</p> <p>The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.</p> |

| Aspect considered | Decision |
|---|--|
| Relevant convictions | <p>The Case Management System has been checked to ensure that all relevant convictions have been declared.</p> <p>No relevant convictions were found. The operator satisfies the criteria in our guidance on operator competence.</p> |
| Financial competence | <p>There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.</p> |
| Growth Duty | |
| Section 108 Deregulation Act 2015 – Growth duty | <p>We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 110 of that Act in deciding whether to vary this permit.</p> <p>Paragraph 1.3 of the guidance says:</p> <p>“The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation.”</p> <p>We have addressed the legislative requirements and environmental standards to be set for this operation in the body of the decision document above. The guidance is clear at paragraph 1.5 that the growth duty does not legitimise non-compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary protections.</p> <p>We consider the requirements and standards we have set in this permit are reasonable and necessary to avoid a risk of an unacceptable level of pollution. This also promotes growth amongst legitimate operators because the standards applied to the operator are consistent across businesses in this sector and have been set to achieve the required legislative standards.</p> |

Consultation

The following summarises the responses to consultation with other organisations, our notice on GOV.UK for the public and the way in which we have considered these in the determination process.

Responses from organisations listed in the consultation section

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| Response received from |
| Environmental Health, East Devon |
| Brief summary of issues raised |
| There were no issues raised. Response stated that consultee is familiar with this broiler farm and advised that they have no concerns regarding this farm or the impacts of it on the surrounding community. |
| Summary of actions taken or show how this has been covered |
| No action needed. |

| |
|--|
| Response received from |
| Public Health England |
| Brief summary of issues raised |
| Respondent is concerned about number of residential properties within 400m of the boundary of the site, and that the regulator should ensure any investigation process is completed to identify any substantiated complaints of odour. Regulator should also ensure operator maintains roads to sheds. |
| Provided the installation complies with the Regulatory requirements and the regulator is satisfied that the techniques proposed by the applicant represents best available techniques (BAT), there is unlikely to be any significant impact upon human health. |
| Summary of actions taken or show how this has been covered |
| See main body of decision document. |
| Additionally, the operating techniques (i.e. OMP, NMP, etc.) re incorporated into the permit. |